

Interview Summary

Application No.

09/991,409

Applicant(s)

PARK, MIN YOUNG

Examiner

Brian J. Gillis

Art Unit

2141

All participants (applicant, applicant's representative, PTO personnel):

(1) Brian J. Gillis.

(3) _____.

(2) Richard C. Salfelder, Registration #51,127.

(4) _____.

Date of Interview: 10 July 2007.

Type: a) ☒ Telephonic b) ☐ Video Conference
c) ☐ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☒ No.

If Yes, brief description: _____.

Claim(s) discussed: 1, 11, 13, and 17.

Identification of prior art discussed: N/A.

Agreement with respect to the claims f) ☒ was reached. g) ☐ was not reached. h) ☐ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: Spoke to applicant's representative initially on 6/26/07 to discuss possibly amending limitations from claim 17 into claims 1 and 11 in order to place application in condition for allowance. Applicant's representative would need to contact applicant to discuss and would later call back on 7/10/07 with approval from applicant and submitted attached amendments to be entered by the Examiner in the way of an Examiner's Amendment.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN A NON-EXTENDABLE PERIOD OF THE LONGER OF ONE MONTH OR THIRTY DAYS FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.


JASON CARDONE
SUPERVISORY PATENT EXAMINER

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

Examiner's signature, if required

Summary of Record of Interview Requirements

Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record

A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews Paragraph (b)

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

37 CFR §1.2 Business to be transacted in writing.

All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiners Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:

- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case. It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:

- 1) A brief description of the nature of any exhibit shown or any demonstration conducted,
- 2) an identification of the claims discussed,
- 3) an identification of the specific prior art discussed,
- 4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
- 5) a brief identification of the general thrust of the principal arguments presented to the examiner,
(The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
- 6) a general indication of any other pertinent matters discussed, and
- 7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one-month time period to correct the record.

Examiner to Check for Accuracy

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.

Attorney Docket No. 2080-3-48
Customer No. 035884

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:
Min Young Park

Serial No: 09/991,409
Filed: November 16, 2001
For: INITIALIZATION FILE DOWNLOADING
APPARATUS AND METHOD OF CABLE MODEM

Art Unit: 2141
Examiner: Gillis, Brian J.
Conf. No.: 3335

PROPOSED EXAMINER'S AMENDMENT

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Pursuant to a telephone interview between attorney Richard Salfelder and Examiner Brian Gillis on June 26, 2007, the following proposed amendments to the claims are proposed for an Examiner's Amendment:

IN THE CLAIMS:

Please amend claims 1, 11 and 14 and 17 and cancel claim 13 without prejudice as follows:

1. (Currently amended) An apparatus for initializing a cable modem comprising:

a tuner unit adapted to receive, tune and output a plurality of downstream signals received from a cable modem termination system and to receive, tune and output a plurality of upstream signals to the cable modem termination system;

a downstream unit adapted to demodulate the downstream signals from the tuner unit and separate general data from a media access control (MAC) management message;

a message processor adapted to detect name information and version information of a configuration file for initializing the cable modem and manufacturing automation protocol (MAP) information according to the MAC management message input from the downstream unit;

a CPU adapted to control the message processor; and

an upstream unit adapted to generate and modulate the upstream signal according to the MAP information detected by the message processor,

wherein the CPU compares the name information of the configuration file for initializing the cable modem to name information of a configuration file previously stored in a memory, downloads the configuration file for initializing the cable modem if the name information of the configuration file for initializing the cable modem and the name information of the previously stored configuration file are different, compares the version information of the configuration file for initializing the cable modem to version information of the previously stored configuration file only if the name information of the configuration file for initializing the cable modem is identical to the name information of

the previously stored configuration file, downloads the configuration file for initializing the cable modem if the version information of the configuration file for initializing the cable modem is more recent than the version information of the previously stored configuration file, and reads the previously stored configuration file and initializes the cable modem based on the previously stored configuration file when the version information of the configuration file for initializing the cable modem is identical to the version information of the previously stored configuration file ~~and initializes the cable modem based on the previously stored configuration file.~~

2. (Original) The apparatus of claim 1, wherein the general data of the downstream unit is transmitted to a display unit that can be viewed by a user through an MPEG 2 transport stream interface, and the MAC management message is transmitted to the message processor.

3-4. (Canceled)

5. (Previously presented) The apparatus of claim 1, wherein the message processor parses the format of information related to the detected configuration file into a configuration file name part and a configuration file version part with a delimiter part therebetween.

6. (Previously presented) The apparatus of claim 5, wherein the format of the information related to the detected configuration file comprises a file name part indicating a configuration file name, a file version part indicating a configuration file version, and a delimiter part differentiating the file name part and the file version part.

7-10. (Canceled)

11. (Currently amended) A method for initializing a cable modem, the method comprising:

registering information related to a detected configuration file in a dynamic host configuration protocol (DHCP) server;

receiving the information related to the detected configuration file registered in the DHCP server;

comparing name information related to the detected configuration file with name information related to a previously stored configuration file;

downloading the detected configuration file if the name information related to the detected configuration file and the name information related to the previously stored configuration file are different;

comparing version information related to the detected configuration file with version information related to the previously stored configuration file only if the name information of the detected configuration file is identical to the name information related to the previously stored configuration file; and

downloading the detected configuration file if the version information related to the detected configuration file is more recent than the version information related to the previously stored configuration file; and

reading the previously stored configuration file, registering the cable modem using the previously stored configuration file and initializing the cable modem based on the previously stored configuration file when both the name information related to the detected configuration file is identical to the name information related to the previously stored configuration file and the version information related to the detected configuration file is identical to the version information related to the previously stored configuration file.

12. (Previously presented) The method of claim 11, wherein receiving the information related to the detected configuration file comprises:

parsing the configuration file information into a file name part and a file version part.

13. (Canceled)

14. (Currently amended) The method of claim ~~43~~11, further comprising:
performing a registration process of the cable modem by using the previously stored configuration file if the version information of the detected configuration file is the same as the version information of the previously stored configuration file.

15. (Previously presented) The method of claim 11, wherein the format of the information related to the detected configuration file and the previously stored configuration file comprise:

- a file name part indicating a configuration file name;
- a file version part indicating a configuration file version; and
- a delimiter part between the file name part and the file version part.

16. (Canceled)

17. (Previously presented) A method for initializing a cable modem, the method comprising:

constructing first configuration file information with a file name part, a file version part and a delimiter part, the delimiter part having a finite size such that the file name part and file version part border the delimiter part, and registering the configuration file information in a dynamic host configuration protocol (DHCP) server, the first configuration file information corresponding to a detected configuration file;

receiving the first configuration file information registered in the DHCP server;
parsing the first configuration file information into a file name part and a file version part;

reading second configuration file information corresponding to a previously stored configuration file;

comparing the file name part of the first configuration file information to a file name part of the second configuration file information;

downloading the detected configuration file if the file name part of the first configuration file information and the file name part of the second configuration file information are different;

comparing the file version part of the first configuration file information to a file version part of the second configuration file information only if the file name part of the first configuration file information is identical to the file name part of the second configuration file information;

downloading the detected configuration file if the file version part of the first configuration file information is more recent than the file version part of the second configuration file information and reading the previously stored configuration file if the file version part of the first configuration file information is one of older than and the same as the file version part of the second configuration file information; and

performing a registration process using one of the detected configuration file and the previously stored configuration file according to the comparison result.

18. (Previously presented) The method of claim 17, wherein if the detected configuration file is an initialization file that is first input to the cable modem, the first configuration file is stored in the memory and the registration process is performed using the first configuration file information.

19. (Canceled)

REMARKS

Applicant gratefully acknowledges the telephonic interview with the Examiner conducted on June 26, 2007. Applicant has attempted to address the issues raised by the Examiner in the interview with this response.

No new matter has been added. An Examiner's amendment is proposed to amend claims 1, 11 and 14 and cancel claim 13 without prejudice. Claims 1, 2, 5, 6, 11, 12, 14, 15, 17 and 18 are pending.

It is submitted that the application, as amended, is in condition for allowance. Reconsideration and reexamination are respectfully requested.

Amendments to the Claims

Claim 14 has been amended to correct dependency in view of a canceled claim. It is respectfully submitted that the amendment has support in the application as originally filed and is not related to patentability.

In the interview conducted on June 26, 2007, the Examiner indicated that independent claim 17 was in condition for allowance and that independent claims 1 and 11 would also be in condition for allowance if amended to incorporate the "downloading" step that follows each of the two "comparing" steps in claim 17. With this proposed Examiner's Amendment, independent claims 1 and 11 have been amended as suggested by the Examiner. Therefore, it is respectfully asserted that independent claims 1, 11 and 17 are in condition for allowance, as are claims 2, 5 and 6, which depend from claim 1, claims 12, 14 and 15, which depend from claim 11, and claim 18, which depends from claim 17.

CONCLUSION

In light of the above remarks, Applicant submits that claims 1, 2, 5, 6, 11, 12, 14, 15, 17 and 18 of the present application are in condition for allowance. Reexamination and reconsideration of the application, as amended, are requested.

No amendment made was related to the statutory requirements of patentability unless expressly stated herein; and no amendment made was for the purpose of narrowing the scope of any claim, unless Applicant has argued herein that such amendment was made to distinguish over a particular reference or combination of references.

If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call the undersigned attorney at the Los Angeles, California telephone number (213) 623-2221 to discuss the steps necessary for placing the application in condition for allowance.

Respectfully submitted,

Lee, Hong, Degerman, Kang & Schmadeka

Date: May 29, 2007

Customer No. 035884

By: _____

Richard C. Salfelder
Registration No. 51,127
Attorney for Applicant